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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/452,285

Applicant(s)

Blue et al

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 26, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5, 6 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-51 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 9, 36, 37, 47 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Farber et al US pat. No.6,185,598.

As to claims 9, 36 and 47, Farber discloses: an encoder for generating an information packet associated with the call, wherein said information packet characterizes a plurality of server-state attribute (SSA) information data associated with the call (i.e., in response to clients' request from the origin server, see abstract, fig.1, col.4 line 14 to col.6 line 65) and a sender for transmitting said information packet associated

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with the call from said encoder to the associated memory (see col.7 line 3 to col.8 line 49).

As to claims 37 and 48, Farber discloses encoding a plurality of aggregated data elements from a call attribute table representing information data and delimiting packet into an attribute data string and a value data string (see col.9 line 1 to col.10 line 59 and col.11 line 5 to col.12 line 57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-8, 10-35, 38-46, 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber et al US pat. No.6,185,598 in view of Arnon et al US pat. No.6,242,999.

As to claim 1, Farber discloses:

a server-state attribute (SSA) (102 fig.1) receiver responsive to receiving from the associated memory an information packet, wherein said information packet characterizes a plurality of SSA information data associated with the call placed to the NAS by the call-in user (i.e., in response to clients' request from the origin server, see abstract, fig.1, col.4 line 14 to col.6 line 65).

a memory reader for reading said information packet from said SSA receiver (see col.7 line 3 to col.8 line 49).

a parser for reconstructing said plurality of SSA information data from said information packet from said memory reader, so that the backup server can recover the call to the data communications network (see col.9 line 1 to col.10 line 59 and col.11 line 4 to col.12 line 67).

Farber does not sepcifically disclose the failure detector associated with the server failure.

However, Arnon discloses a backup system (14 fig.1) for initiating the backup operations to restore information (see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a backup server to restore information in the computer system

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of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claims 2 and 3, Farber discloses information packet consists of an attribute/value pair that can be parsed into a plurality of separate data entries and a plurality of aggregated data elements from a call attribute table (see col.9 line 1 to col.10 line 59 and col.15 line 5 to col.12 line 51).

As to claim 4, Farber discloses plurality of aggregated data elements of said information packet are separated by said parser for reconstructing said plurality of SSA information data from said information packet (see col.11 line 5 to col.12 line 54).

Claim 5 is rejected for the same reasons set forth in claim 1 with the combination of Farber and Arnon. As to the added limitation, Farber further discloses a failure detector for detecting said local server failure (see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55). Claims 18 and 19 are rejected for the same reasons set forth in claims 2 and 3 respectively

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Claims 6-8 are rejected for the same reasons set forth in claims 2-4 respectively.

Claims 10-12 are rejected for the same reasons set forth in claims 2-4 respectively.

Claim 13 is rejected for the same reasons set forth in claim 1 and 9 with the combination of Farber and Arnon.

Claims 14-16 are rejected for the same reasons set forth in claims 2-4 respectively.

Claims 17 is rejected for the same reasons set forth in claims 5 and 9 with the combination of Farber and Arnon. As to the added limitations, Farber further discloses a memory writer for writing the information packet from receiver to memory (see fig.1 and col.4 line 14 to col.6 line 65).

Claims 18 and 19 are rejected for the same reasons set forth in claims 2 and 3 respectively.

Claim 20 is rejected for the same reasons set forth in claim 5 and 9 with the combination of Farber and Arnon. As to the added limitations, Farber further discloses a server (102 fig.1) connected to the network for servicing the call (see fig.1 and col.4 line 14 to col.6 line 65).

Claims 21-23 are rejected for the same reasons set forth in claims 2-4 respectively.

As to claim 24, neither Farber nor Arnon discloses that the server is a resource pool manager server (RPMS). However, the use of a RPMS is generally well known in the art. It would have been

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obvious if not inherent to one of the ordinary skill in the art at the time the invention was made to implement a RMPS into the computer system of Farber to control access to network because it would have provided more utilizations of servers in controlling access to the network.

Claim 25 is rejected for the same reasons set forth in claims 13 and 20 with the combination of Farber and Arnon.

Claims 26-28 and 29 are rejected for the same reasons set forth in claims 2-4 and 24 respectively.

Claim 30 is rejected for the same reasons set forth in claims 13 and 17. As to the added limitations,

Farber discloses a receiver associated with the second server (reflector 108 fig.1) and a parser for reconstructing information data and providing information data to second server (see col.5 line 3 to col.7 line 55).

As to claim 31, Arnon discloses a data caller responsive to the failure detector for requesting an

information packet from the memory (see col.3 line 31 to col.5 line 65 and col.6 line 37 to col.7 line 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Arnon's teachings into the computer system of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

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Claims 32 is rejected for the same reasons set forth in claim 24.

As to claim 33, Farber discloses the steps of:

receiving the information packet from the memory associated with the NAS, said receiving being responsive to the data information when the server access failure occurs (see abstract, fig.1, col.4 line 14 to col.6 line 65).

parsing the information packet to reconstruct said plurality of SSA information data for the call (see col.7 line 3 to col.8 line 9).

Farber does not specifically disclose the failure detector associated with the server failure.

However, Arnon discloses a backup system (fig.1) for initiating the backup operations to restore information (see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a backup server to restore information in the computer system of Farber because it would have been transferred efficiently data information to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claim 34, Farber further discloses:

petitioning to the NAS for the information packet after the NAS requests the plurality of SSA information data, receiving the information packet from the memory; and

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sending said plurality of SSA information data to the NAS after parsing the information packet is completed (see col.6 line 6 to col.8 line 53 and col.11 line 3 to col.12 line 67).

As to claim 35, Farber further discloses reading a value data string and subdividing said value data string into a plurality of data fields (see col.9 line 1 to col.10 line 59 and col.11 line 5 to col.12 line 51).

Claims 38 and 39 are rejected for the same reasons set forth in claims 17 and 20 respectively.

Claims 40-43 are rejected for the same reasons set forth in claims 24, 34, 37 and 2 respectively.

Claims 44-46 are rejected for the same reasons set forth in claim 33-35 respectively.

Claims 49-51 are rejected for the same reasons set forth in claims 38, 39 and 45 respectively.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Norin et al. US patent no.5,787,247.
- b. Freivald et al. US patent no.6,012,087.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone numbers for this group are:

After Final: (703) 746-7239


Official: (703) 746-7239

Non-Official/ Draft: (703) 746-7240

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S.C. Sect.133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
8/30/2002


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2155